UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ali Ahmed Dualeh, et al.,   Case No. 23-cv-3554 (JMB/DTS)

      Plaintiffs,

v.   **REPORT AND RECOMMENDATION**

Alejandro Mayorkas, et al.,

      Defendants.

This matter was November 16, 2023 and a summons was issued to Plaintiffs the following day. No certificate of service, waiver of service, or appearance by Defendants has been entered. On October 10, 2024, the Court ordered Plaintiffs to file proof by October 18, 2024 that Defendants had been properly served (Dkt. No. 5). No proof of service has been filed nor has the Court received any communication from Plaintiffs.

Accordingly, this Court now recommends, in accordance with the prior warning given to Plaintiffs, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

Dated: October 31, 2024   ____s/David T. Schultz____
                                                DAVID T. SCHULTZ
                                                U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).